

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

D-1 Justin Lohman

D-2 Justin Cutshaw

Case: 2:21-mj-30014

Assigned To : Unassigned

Assign. Date : 1/12/2021

CMP: SEALED MATTER (MAW)

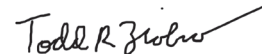
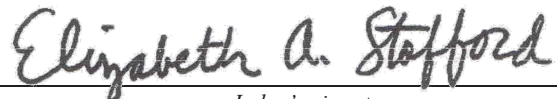
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 18, 2019 in the county of Oakland County in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC § 1028(A)	Aggravated Identity Theft
18 USC § 1344	Bank Fraud
18 USC § 1708	Possession of Stolen Mail
18 USC § 2	Aiding and Abetting

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: January 12, 2021City and state: Detroit, MI*Complainant's signature*Todd R. Ziobro, Task Force Officer, US Postal Inspector*Printed name and title**Judge's signature*Elizabeth A. Stafford, United States Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, Todd Ziobro, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AFFIANT BACKGROUND

1. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”). I have been employed with the United States Postal Inspection Service since April 2016. I am assigned to the Detroit, Michigan Division. I completed the Inspection Service’s Basic Inspector’s Training Academy, a twelve-week training program in Potomac, Maryland, during which I developed investigative skills for investigating a variety of federal criminal offenses, including mail theft, mail fraud, and other financial crimes. Since November of 2019, I have been assigned to the Financial Crimes Team. In this capacity, I am responsible for investigating mail theft and various financial crimes involving the United States mail. I am currently assigned to the Southeast Michigan Cyber Fraud Task Force (SEMCFTF), which consists of members from local Michigan police departments as well as federal law enforcement agencies. The task force investigates criminal violations of both federal and state fraud laws. During my work experience as a Postal Inspector, I have participated in numerous financial investigations including investigations involving identity theft and credit

card fraud. Prior to becoming a U.S. Postal Inspector, I was a United States Customs and Border Protection Officer for seven years.

PURPOSE OF AFFIDAVIT

2. This affidavit is made in support of criminal complaints and arrest warrants for JUSTIN LOHMAN and JUSTIN CUTSHAW, for violations of Title 18 U.S.C. § 1344 (Bank Fraud), Title 18 U.S.C. § 1028A (Aggravated Identity Theft), Title 18 U.S.C. § 1708 (Possession of Stolen Mail), and Title 18 U.S.C. 2 (Aiding and Abetting) by JUSTIN LOHMAN and JUSTIN CUTSHAW. It does not set forth all facts known to me in this investigation.
3. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that LOHMAN and CUTSHAW, residents of the Eastern District of Michigan, are responsible for knowingly possessing stolen mail, and using both negotiable instruments and Personal Identifying Information (PII) contained within that stolen mail to execute an ongoing scheme to defraud one or more financial institutions, or for obtaining money or property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; within the Eastern District of Michigan.
4. This affidavit is submitted for the limited purpose of securing an aforementioned criminal complaints and arrest warrants; therefore, this

affidavit does not contain every fact that I have learned during the course of the investigation, but rather only those sufficient to establish probable cause to believe that LOHMAN and CUTSHAW violated the statutes identified above. The information contained in this affidavit is based upon my personal knowledge, training and experience, as well as the combined knowledge, training and experience of other law enforcement officers and agents with whom I have had discussions.

5. Title 18, U.S.C. § 1344 criminalizes executing or attempting to execute any scheme or artifice to defraud a financial institution; or for obtaining money or property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.
6. Title 18, U.S.C. § 1028A criminalizes knowingly transferring, possessing, or using, without lawful authority, a means of identification of another person during the course of certain other felony violations, to include the above described wire fraud.
7. Title 18, U.S.C. § 1708 criminalizes both the theft of, and the knowing purchase, receipt, concealment, or unlawful possession of any letter or mail, or any article contained therein, which has been stolen, taken, embezzled, or

abstracted from or out of any mail, post office, letter box, mail receptacle, or any mail route or other authorized depository for mail matter.

PROBABLE CAUSE

8. On December 18, 2019, West Bloomfield Police Service Aide Michaelov, met with Victim-1, who resides in the Township of West Bloomfield in the State of Michigan. Victim-1 stated she had received a phone call from Livonia Police Department Officer Ostrowski, who informed Victim-1 that a local business owner had turned in a wallet, which contained one of the Victim-1's checks, check number 3050. According to Officer Ostrowski, the check was negotiated to cash in the amount of \$2,000.00. Livonia Police Officer Drake looked through the wallet to determine ownership and located approximately five credit cards bearing the names of different individuals; a fraudulent Michigan driver's license with a picture of an individual later determined to be JUSTIN CUTSHAW (but with the personal information of Victim-3 of Auburn Hills, Michigan); a 2019 W-2G from Toledo Gaming Ventures, LLC in the name of CUTSHAW listing an address in Redford, Michigan; a Chime credit card bearing the name of CUTSHAW; and a signed check made out to Cash for \$2,000.00, listing the account holder as Victim-2 (the spouse of Victim-1).

9. Victim-1 spoke with her banking institution, Bank of America, and learned she and Victim-2 were supposed to receive approximately 99 checks in the mail; these checks were to include check numbers 3046-3145. Victim-1 then reviewed her United States Postal Service Informed Delivery and found that check numbers 3046-3145 had apparently been delivered to Victim-1's home on December 16, 2019. Additionally, Victim-1 found other apparently-delivered mail to be missing, including a J.P. Morgan Chase Bank member card services letter addressed to Victim-2.
10. Further, on January 6, 2020, Victim-1 received a phone call from Wixom Police Department Detective Byberg, who informed Victim-1 that a white male presented check number 3099 for payment on a transaction at Menards located in Wixom, MI. Check number 3099 was among the checks stolen from Victim-1 and Victim-2.
11. SEMCFTF Officer (TFO) Hamilton obtained Wixom Police Department report number 200000045, and reviewed the details of the report and found that on January 1, 2020, two white males entered the Menards located at 10400 Assembly Park Dr. in Wixom, MI. The males selected home improvement items from the store and went to the cashier to checkout. One of the males then wrote out check number 3099 for \$1,020.83. As the male was writing out the check, the front-end manager found the male to be very

shaky. The front-end manager asked the male for identification, who then handed the front-end manager a clear plastic sleeve, which held a Michigan ID in the name of Victim-2. The front-end manager removed the ID from the plastic sleeve and found the ID to be two pieces of paper that were glued together; the ID bore the photograph of the male presenting the ID, but contained the personal information for Victim-2. The front-end manager denied the transaction and Menards retained all the merchandise. Both males then left the store. The front-end manager followed the males into the parking lot where they entered a Honda Civic bearing Michigan license plate of H6362. Wixom Police Officer Scherbarth conducted a LEIN search on the license plate and found the registered owner to be M. Lohman (believed to be related to JUSTIN LOHMAN, a target of this investigation). Officer Scherbarth then conducted a CLEMIS search on the license plate and found the vehicle had been driven by LOHMAN in late 2019. Officer Scherbarth obtained a MIDRS photograph for LOHMAN and found that the photograph of LOHMAN appeared to be the same individual who was present inside of Menards and who presented check number 3099 for payment. LOHMAN's picture also appeared on the fraudulent ID presented during the transaction. From reviewing the surveillance photographs from the aforementioned

incident, it appears the other male that had accompanied LOHMAN into Menards was CUTSHAW.

12. Thereafter, TFO Hamilton conducted a CLEMIS search of CUTSHAW and learned that he was arrested by the Livonia Police Department on February 24, 2020, for larceny of mail. During this incident, LOHMAN was also arrested for similar offenses. CLEMIS also showed that on February 27, 2020, CUTSHAW was arrested by the Farmington Hills Police Department. It was also revealed that CUTSHAW was listed as a suspect in an Uttering & Publishing complaint out of the City of Farmington Police Department dated July 31, 2019.

13. On February 26, 2020, TFO Hamilton conducted a search of CUTSHAW through LEADS Online (pawns) and found that CUTSHAW had sold a Bosch Hammer to Great Lakes Pawn on January 17, 2020, for approximately \$80.00.

14. TFO Hamilton conducted an interview of LOHMAN after his arrest by the Livonia Police Department. Prior to the interview, LOHMAN was read his Miranda rights and subsequently agreed to waive those rights and answer questions. During this interview, LOHMAN initially advised he had recently received a box full of information and checks from an unknown individual whom he had previously met at a casino in Battle Creek, Michigan. Later in

the interview, LOHMAN admitted to stealing mail himself approximately 20 separate times, to “unsuccessfully” manufacturing fraudulent IDs to assist in cashing stolen checks, and to using the fraudulently-obtained checks to purchase construction or home improvement equipment to then sell to local pawn stores for money.

15. During the course of this investigation, TFO Hamilton and Affiant have identified approximately 228 victims of mail theft across 30 different communities from mail that was recovered from LOHMAN’s residence and from LOHMAN’s vehicle, in which CUTSHAW was a passenger during their arrest by the Livonia Police Department on February 24, 2020.
16. On July 15, 2020, Grand Rapids Police Department was alerted by security employees of the JW Marriott Hotel of a folder containing suspicious documents found abandoned on hotel property. The documents mainly consisted of mail and checks from the Farmington Hills, Livonia and Redford, Michigan areas. The documents were taken as evidence and turned over to the United States Postal Inspection Service and your Affiant.
17. The evidence found abandoned in Grand Rapids, MI consisted of stolen mail from approximately 19 victims in 6 communities, and approximately 59 stolen checks or money orders from approximately 38 victims. Many of these checks were altered with the payee scratched out and the name

JUSTIN CUTSHAW written or stamped on the 'Pay to the Order of:' line. The checks and money orders had a combined total value of over \$56,000. There was also a credit card and a piece of mail bearing the name JUSTIN CUTSHAW.

18.TFO Hamilton also learned that on or about October 25, 2020, LOHMAN was stopped by officers of the Westland Police Department, following a report of a domestic incident. During that encounter, officers discovered a bag containing stolen mail from additional victims in Canton, Northville, Westland, Farmington Hills, Novi, Redford, Plymouth, Clinton Twp., and Livonia, MI. LOHMAN was also found in possession of false identification and fraudulent Unemployment Insurance debit cards (from Virginia and Mississippi) in the names of multiple victims.

19.On or about November 25, 2020, your Affiant and TFO Molloy spoke with another individual, Victim-4, in Farmington Hills, MI, who stated she believes her mail had been stolen numerous times over the last few months, to include her driver's license and several checks. LOHMAN is also believed to have opened credit cards using her PII and an address in Livonia, MI. The house in Livonia is burned out and boarded up. Upon further investigation, you Affiant discovered that this burned out Livonia address

was used in another fraudulent credit card application in June 2020, using a phone number belonging to LOHMAN.

20. On or about December 5, 2020, officers from the Westland Police

Department made contact with an individual, Victim-5, who reported that a check she had sent via USPS had been altered and that money had been stolen from their bank account via the altered check. Victim-5 reported that per her bank statement, the check in question appeared to be altered from the written amount of “\$30.00” to instead read “\$300.00”. Similarly, the check in question was changed to be made payable to “Justin C. Cushaw” (sic) instead of Victim-5’s intended payee.

21. On or about December 8, 2020, Officers from the Livonia Police

Department made contact with an individual, Victim-6, who reported that a check they had sent via USPS had been altered and that money had been stolen from her bank account via the altered check. Victim-6 reported that per her bank statement, the check in question appeared to be altered from the written amount of “\$40.00” to instead read “\$400.00”. Similarly, the check in question was changed to be made payable to “Mr. Justin Curtis Cutshaw” instead of Victim-6’s intended payee.

22. On or about December 11, 2020, CUTSHAW was arrested by officers of the Livonia Police Department on an outstanding Livonia warrant for a related

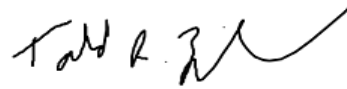
fraud scheme, stemming from an attempted cashing of a fraudulent check involving yet another victim. While conducting a search of CUTSHAW's person for Officer Safety, the arresting officers' located eight high-value personal checks in a fanny pack secured to CUTSHAW's chest; these checks appeared to be altered to list CUTSHAW as the payee. CUTSHAW was read his Miranda rights, waived those rights and agreed to be interviewed by law enforcement, and thereafter admitted to cashing 4 or 5 checks he received from another individual, who he was unwilling to name at that time.

CONCLUSION

23. Based on the investigation thus far, including the facts set forth above, your affiant submits that there is probable cause to believe that JUSTIN LOHMAN and JUSTIN CUTSHAW are responsible for knowingly possessing stolen mail, and using both negotiable instruments and Personal Identifying Information (PII) contained within that stolen mail to execute an ongoing scheme to defraud one or more financial institutions, or for obtaining money or property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; within the Eastern District of Michigan.

24. Therefore, your affiant believes that probable cause exists that violations of Title 18 U.S.C. § 1344 (Bank Fraud), Title 18 U.S.C. § 1028A (Aggravated Identity Theft), Title 18 U.S.C. § 1708 (Possession of Stolen Mail), and Title 18 U.S.C. 2 (Aiding and Abetting) have been committed by JUSTIN LOHMAN and JUSTIN CUTSHAW.

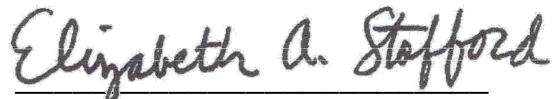
Respectfully submitted,



Todd R. Ziobro, Task Force Officer
United States Postal Inspector

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: January 12, 2021



Honorable Elizabeth A. Stafford
United States Magistrate Judge